

HOUSE BILL 2752

By Swafford

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 40, Chapter 33, relative to the forfeiture
of certain property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-11-703, is amended by deleting the word “or” at the end of subdivision (b)(1); deleting the period “.” at the end of subdivision (b)(2) and substituting instead the language “; or”; and by adding the following new subdivision (b)(3):

(3)

(A) Any conveyance or real or personal property used in the commission of an offense under title 39, chapter 13, part 5, is subject to forfeiture under the provisions of this part if the offense is committed against a person under eighteen (18) years of age and is committed on or after July 1, 2010.

(B) Any conveyance or real or personal property used in the commission of an offense under title 39, chapter 17, part 10, is subject to forfeiture under the provisions of this part if the offense is committed on or after July 1, 2010.

SECTION 2. Tennessee Code Annotated, Section 39-13-530, is amended by deleting subsection (a) and substituting instead the following

(a)

(1) Any conveyance or real or personal property used in the commission of an offense under this part is subject to forfeiture under the provisions of title 40, chapter 33, part 2, if the offense is committed against a person under

eighteen (18) years of age and is committed on or after July 1, 2006 but prior to July 1, 2010.

(2) Any conveyance or real or personal property used in the commission of an offense under this part is subject to forfeiture under the provisions of title 39, chapter 11, part 7, if the offense is committed against a person under eighteen (18) years of age and is committed on or after July 1, 2010.

SECTION 3. Tennessee Code Annotated, Section 39-17-1008, is amended by deleting subsection (a) and substituting instead the following:

(a)

(1) Any conveyance or real or personal property used in the commission of an offense under this part is subject to forfeiture under the provisions of title 40, chapter 33, part 2, if such offense is committed on or after July 1, 2006 but prior to July 1, 2010.

(2) Any conveyance or real or personal property used in the commission of an offense under this part is subject to forfeiture under the provisions of title 39, chapter 11, part 7, if such offense was committed on or after July 1, 2010.

SECTION 4. Tennessee Code Annotated, Section 40-33-101, is amended by deleting the first sentence and substituting instead the following:

Any conveyance, including a vehicle, aircraft or vessel, used in the commission of an offense under title 39, chapter 13, part 5, that was committed on or after July 1, 2006, but prior to July 1, 2010, or used to transport, conceal or store money or goods that were the subject of a robbery offense under title 39, chapter 13, part 4, or felony theft under title 39, chapter 14, part 1, where there is a final judgment of conviction is, in the discretion of the court, subject to forfeiture except that:

SECTION 5. This act shall take effect July 1, 2010, the public welfare requiring it and shall apply to all applicable offenses committed on or after such date.